

Senate Study Bill 3021

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON BEHN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regarding public utility rights-of-way and providing an
2 effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5548SC 80
5 kk/sh/8

PAG LIN

1 1 Section 1. NEW SECTION. 476.28 PUBLIC UTILITY FACILITIES
1 2 == PUBLIC ROAD RIGHTS-OF-WAY.
1 3 1. A public utility may construct, operate, repair, or
1 4 maintain its utility facilities within a public road right-of-
1 5 way, subject to rules adopted by the state department of
1 6 transportation. New utility facilities shall comply with
1 7 section 319.5. A utility facility shall not be constructed or
1 8 installed in a manner that causes interference with public use
1 9 of the road.
1 10 2. For purposes of this section, "public utility" means a
1 11 public utility as defined in section 476.1, and shall also
1 12 include waterworks, municipally owned waterworks, joint water
1 13 utilities, rural water districts incorporated under chapter
1 14 357A or 504A, and cooperative water associations. For the
1 15 purposes of this section, "utility facilities" means any
1 16 cables, conduits, wire, pipe, casing pipe, supporting poles,
1 17 guys, and other material and equipment utilized for the
1 18 furnishing of electric, gas, communications, water, or sewer
1 19 service.
1 20 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 21 immediate importance, takes effect upon enactment.
1 22 EXPLANATION
1 23 This bill permits public utilities to construct and
1 24 maintain utility facilities such as cable, pipes, and poles,
1 25 within public road rights-of-way. The location of new utility
1 26 facilities must be approved pursuant to Code section 319.5 and
1 27 cannot cause interference with use of the road by the public.
1 28 The term "public utility" is broadened to include waterworks,
1 29 joint water utilities, rural water districts, and cooperative
1 30 water associations.
1 31 LSB 5548SC 80
1 32 kk/sh/8
1 33
1 34
1 35